

EXHIBIT H

000077

ORDINANCE NO O2008-009

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Title 18 and creating a new zone district, entitled "Chapter 18 49 Manufactured Home Park Zone District", in the Tumwater Municipal Code, as more particularly set forth herein.

WHEREAS, according to Washington State Department of Community, Trade, and Economic Development (CTED) mobile/manufactured home park closure rates in Washington have dramatically increased since 2003, and,

WHEREAS, average mobile/manufactured home park closures between 1989 and 2002 were 5 8 per year in Washington. Average closures between 2003 and 2008 were 14 per year in Washington, and,

WHEREAS, the Washington State Department of Community, Trade, and Economic Development expects the current closing trends to continue, and,

WHEREAS, the City of Tumwater has adopted a Comprehensive Plan, in accordance with the State Growth Management Act (GMA), and,

WHEREAS, the proposed amendments meet GMA requirements for consistency with the comprehensive plan and County-wide planning policies, and,

WHEREAS, the City of Tumwater has adopted a Comprehensive Plan that includes all elements required by the Growth Management Act, Chapter 36 70A RCW, and

WHEREAS, the Growth Management Act requires that the City of Tumwater adopt development regulations, including zoning, that are consistent with and implement its Comprehensive Plan, and

WHEREAS, the proposed amendments are consistent with the Growth Management Act (GMA) goal which states that jurisdictions subject to the GMA must have a Comprehensive Plan that, " *identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities,*" [RCW 36 70A.070(2)(c)] , and

WHEREAS, applying the Manufactured Home Park land use designation and zone district to existing manufactured/mobile home parks will help to ensure a sufficient supply of land for these types of uses in the future, and

Ordinance No O2008-009, Page 1 of 19

000078

WHEREAS, the amendments are consistent with Goal #2 of the Tumwater Housing Plan to provide a sufficient number of single family dwelling units, multi-family dwelling units, manufactured homes, and group housing to provide an affordable selection of housing to each economic segment of the Tumwater population, and

WHEREAS, the amendments are consistent with Policy 2.1 of the Tumwater Housing Plan to provide sufficient, suitably-zoned vacant land for development of all housing types to accommodate the future needs for each type of housing, including single family, multi-family and manufactured homes in manufactured home parks and on single lots, and

WHEREAS, the amendments are consistent with planning Goal #4 of the Growth Management Act "*Housing Encourage the availability of affordable housing to all economic segments of the population of this State, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*" [RCW 36 70A.020], and

WHEREAS, the Tumwater Housing Plan (an element of the Tumwater Comprehensive Plan) includes a variety of policies expressly designed to encourage housing affordability, including a multitude of regulatory changes dispersed throughout the document, and

WHEREAS, manufactured home parks are a source of affordable single family and senior housing in Tumwater; and

WHEREAS, the amendments are consistent with Goal #1 of the Tumwater Housing Plan (an element of the Tumwater Comprehensive Plan) to conserve and improve the existing City housing stock and neighborhoods, and

WHEREAS, protecting manufactured home parks from the pressures of development will help to maintain the existing stock of manufactured housing provided by these "parks", and

WHEREAS, the amendments are consistent with Policy 1.3 of the Tumwater Housing Plan to promote the conservation of existing communities and community housing goals through the preparation of comprehensive plans and the development review process, and

WHEREAS, the manufactured/mobile home parks known as Eagles Landing, Laural Park, Tumwater Mobile Estates, Thunderbird Villa, Velkommen, and Western Plaza are located within residential neighborhoods and currently have residential zoning and are easily recognized as traditional manufactured housing

Ordinance No O2008-009, Page 2 of 19

communities, and

WHEREAS, the properties located at 5012 Rural Road, 6715 Henderson Boulevard, and 6911 Henderson Boulevard have three or more mobile/manufactured homes on the same property so they meet the definition of a mobile/manufactured home park. However, these three exceptionally small "parks" are not the typical easily recognized traditional mobile/manufactured home park, the small size of these three "parks" does not foster a sense of community or neighborhood, and the owners of these three small "parks" appear to own all of the dwellings located on the properties which contrasts sharply with the rest of the more traditional mobile/manufactured home parks in Tumwater where the majority of dwellings are not owned by the land owner; and

WHEREAS, these three small "parks" are not recommended to be included in the new zone district because they are more transitional in nature due to the smaller initial investment in the property when compared to larger more traditional mobile/manufactured home parks which often have paved roads and utility systems and community centers. In addition, the residential densities of these three small "parks" are below the densities of the larger more traditional and easily recognized mobile/manufactured home parks in Tumwater, and below the minimum densities of the zone districts where they are located, and below the generally accepted urban density level for cities and urban growth areas. The low residential density of these three "parks" is not ideal for advancing the goals of preventing low density sprawling development as outlined in the Growth Management Act and the Tumwater Comprehensive Plan, and

WHEREAS, the Allmor Carriage Estates mobile home park, located at 5705 Littlerock Road, is currently the only mobile/manufactured home park within Tumwater that is zoned General Commercial, the only "park" that is almost completely surrounded by General Commercial zoning, and the only "park" that abuts intensive commercial development in the form of commercial strip development and intensive large scale commercial retail including Albertsons, Costco, and Fred Meyer; and

WHEREAS, the Allmor Carriage Estates mobile home park, due to its location adjacent to intensive commercial development, its description in the Tumwater Comprehensive Plan as a transitional property that is expected to develop with a commercial use, and its current General Commercial land use designation and General Commercial zoning, is not conducive to a decent quality of life or the general health and welfare of its residents, and

WHEREAS, applying the "Manufactured Home Park" zone district to the Allmor Carriage Estates mobile home park is not appropriate due to the expected transition of the property to a commercial use as stated in the Tumwater

Ordinance No O2008-009, Page 3 of 19

000080

Comprehensive Plan, General Commercial zoning of the property (as compared to the other mobile/manufactured home parks within Tumwater which have residential zoning), and the intensive commercial uses that surround the "park", and

WHEREAS, applying the Manufactured Home Park zone to the three small "parks" and the Allimor Carriage Estates mobile home park is inconsistent with Goal #8 of the Housing Plan which is to support healthy residential neighborhoods which continue to reflect a high degree of pride in ownership or residency; and

WHEREAS, applying the Manufactured Home Park zone to the three small "parks" and the Allimor Carriage Estates mobile home park is inconsistent with Policy 8.1 of the Housing plan which aims to support the stability of established residential neighborhoods, and

WHEREAS, applying the Manufactured Home Park zone to the six traditional mobile/manufactured home parks known as Eagles Landing, Laural Park, Tumwater Mobile Estates, Thunderbird Villa, Velkommen, and Western Plaza is consistent with Goal #8 of the Housing Plan which is to support healthy residential neighborhoods which continue to reflect a high degree of pride in ownership or residency; and

WHEREAS, applying the Manufactured Home Park zone to the six traditional mobile/manufactured home parks known as Eagles Landing, Laural Park, Tumwater Mobile Estates, Thunderbird Villa, Velkommen, and Western Plaza is consistent with Policy 8.1 of the Housing plan which is to support the stability of established residential neighborhoods, and

WHEREAS, the City of Tumwater has prepared the amendments to the municipal code that are included in this ordinance, in accordance with the City of Tumwater Citizen Participation and Intergovernmental Coordination Policy (Resolution No 418), and

WHEREAS, these amendments meet the intent of and are consistent with the State Environmental Policy Act, the Washington State Growth Management Act, County-Wide Planning Policies, and internal goals and policies of the Tumwater Comprehensive Plan, and

WHEREAS, a Determination of Nonsignificance was issued on November 3, 2008, in accordance with the State Environmental Policy Act (SEPA) (chapter 43.21C RCW) and in compliance with Chapter 16.04 of the Tumwater Municipal Code, and

WHEREAS, the Tumwater Planning Commission held a public hearing on November 25, 2008, and considered all testimony and evidence before making a recommendation to City Council, and

WHEREAS, the Tumwater City Council held public hearings on the recommendation on January 6th, 2009, and February 17, 2009, to accept public testimony relating to this matter;

WHEREAS, the Tumwater City Council, after considering all of the testimony and evidence, finds the amendments support the health, safety, and welfare and are in the best interest of the residents of the City of Tumwater,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER,
STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS.**

Section 1. Section 18 06 010 of the Tumwater Municipal Code is hereby amended as follows

18.06.010 Districts designated

In order to carry out the provisions of this title, the city is divided into the following districts

- 1 RSR, residential/sensitive resource zone district,
- 2 SFL, single-family low density residential zone district,
- 3 SFM, single-family medium density residential zone district,
- 4 MFM, multi-family medium density residential zone district,
- 5 MFH, multi-family high density residential zone district,
- 6 NC, neighborhood commercial zone district,
- 7 MU, mixed use zone district,
- 8 GC, general commercial zone district,
- 9 ARI, airport related industry zone district,
- 10 LI, light industrial zone district,
- 11 HI, heavy industrial zone district,
- 12 HC, historic commercial zone district,
- 13 BP, business park zone district,
- 14 GB, greenbelt zone district,
- 15 OS, open space zone district,
- 16 AHP, airport hazard (overlay zone district),
- 17 PUD, planned unit development (overlay zone district),
- 18 FP, floodplain (overlay zone district),
- 19 AQP, aquifer protection (overlay zone district),
- 20 CS, community services zone district
- 21 TC, town center zone district
22. MUO, mixed use overlay zone district.
23. GCO, general commercial overlay zone district.

24. MHP, manufactured home park zone district.

(883, Added, 05/06/1984, 1095, Amended, 01/20/1987, 1226, Amended, 11/20/1990, 1230, Amended, 11/20/1990, 097-025, Amended, 12/02/1997, O2001-020, Amended, 05/07/2002)

Section 2. Table 18 47 of the Tumwater Municipal Code is hereby amended as follows

TABLE 18.47: REQUIRED LANDSCAPING MATRIX

Zone Where Landscaping is Required	Abutting Zone**															
	HI	LI	ARI	BP	GC	TC	CS	HC	MU	NC	MFH	MFM	MHP	SFM	SFL	RSR
RSR	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFL	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFM	1	1	1	1	1	1	1	1	1	1	2	2	2			
MHP	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2
MFM	1	1	1	1	1	2	2	2	2	2			2	2	2	2
MFH	1	1	1	1	1	2	2	2	2	2			2	2	2	2
NC	1	1	1	2	2	2	2	2	2	2	2	2	1	1	1	1
MU	1	1	1	2	2	2	2	2	2	2	2	2	1	1	1	1
HC	1	1	1	2	2	2	2	2	2	2	2	2	1	1	1	1
CS	1	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
TC	1	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
GC	1	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1
BP	1	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1
ARI	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1
LI	2	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1
HI	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1

NOTE Type 1 and 2 landscaping is explained in Section 18 47 050 preceding this matrix.

** Zones separated by public streets are not considered abutting and do not require vegetative separation, except as required in other sections of this chapter

LEGEND

RSR Residential/Sensitive Resource	CS Community Service	HC Historic Commercial
SFL Single-Family Low Density	MU Mixed Use	BP Business Park
SFM Single-Family Medium Density	GC General Commercial	ARI Airport Related Industry
MFM Multi-Family Medium Density	LI Light Industrial	TC Town Center
MFH Multi-Family High Density	HI Heavy Industrial	
MHP Manufactured Home Park		
NC Neighborhood Commercial		

Section 3. Section 18 48 110 of the Tumwater Municipal Code is hereby amended as follows.

18.48.110 Designated manufactured home park standards.

~~— Mobile home parks are considered a nonconforming use within Tumwater. Designated Manufactured home parks are allowed in the Multi-Family Medium Density zoning district.~~ In order to ensure the development of well-planned designated manufactured home facilities and to ensure the compatibility of such facilities with adjacent existing and planned uses, the following standards shall apply to all designated manufactured home park development

A. The minimum site area and density regulations shall be the same as established in each zone district where the designated manufactured home development would be located.

B Designated manufactured home parks shall be complete developments and are required to include facilities such as paved streets, pedestrian/bike ways, storm drainage, sanitary sewage disposal and perimeter and entrance landscaping, as approved by the Development Services Department

C If the land and designated manufactured home locations within a proposed designated manufactured home park are intended to be sold to more than one person, firm or corporation, or are to include the dedication of land as regulated by the Land Division Ordinance as set forth in Title 17, TMC, then the proposed designated manufactured home park shall be subject to the requirements of that title in addition to the requirements of this title

D Information to be submitted to the Development Services Department before the issuance of applicable permits shall include

1 Overall site plan showing the location of all designated manufactured home pads, accessory buildings, internal pedestrian and vehicle circulation and ingress/egress points,

2 Storm drainage plan showing existing vegetation, slopes, and drainage conditions, as well as proposed alterations and drainage control devices,

3 Landscaping plans for the perimeter and entrance showing the existing and proposed vegetation and method of maintenance

E If development is by phase, a graphic breakdown of each phase as it relates to the entire project and its timetable for completion must be provided

F Individual designated manufactured homes located within the designated manufactured home park shall be installed per the standards established by this title

G The developer/applicant shall either install the required improvements and repair any existing streets and other public facilities damaged in the development of the project, or furnish the city with a performance bond or other security, as approved by the city attorney, to ensure the installation of public improvements and landscaping

H. Each designated manufactured home park which proposes to provide overnight rental of parking space for travel trailers shall provide one or more buildings adequately equipped with flush-type toilet fixtures. Dependent travel trailers shall be parked not more than two hundred feet or less than fifteen feet from the service building, and walkways to such buildings shall be well lighted at night. Each service building shall further:

1. Be located fifteen feet or more from any designated manufactured home space, and be of permanent construction,

2. Have adequate heating, lighting, sanitation and ventilation facilities in accordance with other state and local codes and ordinances,

3. Provide sewage disposal facilities for park occupants only
(883, Added, 5/6/1984, O95-035, Amended, 12/19/1995, O96-027, Amended, 10/15/1996, O2001-012, Amended, 03/19/2002, O2005-011, Amended, 07/05/2005)

Section 4. A new Chapter 18.49, entitled "Manufactured Home Park Zone District", is hereby added to the Tumwater Municipal Code to read as follows:

Chapter 18.49

MHP MANUFACTURED HOME PARK ZONE DISTRICT

Sections:

18.49.010 Intent.

18.49.020 Permitted Uses.

18.49.030 Accessory Uses.

18.49.040 Conditional Uses.

18.49.050 Density regulations.

18.49.070 Use Exception

18.49.010 Intent.

The Manufactured Home Park (MHP) zone district is established to promote residential development that is high density, single family in character and developed to offer a choice in land tenancy. The MHP zone is intended to provide sufficient land for manufactured homes in manufactured home parks.

18.49.020 Permitted Uses.

Permitted uses within the MHP zone district are as follows.

A. Manufactured home parks in accordance with the provisions of TMC 18.48.

B. Designated manufactured homes on existing single lots of record, in accordance with the provisions of TMC 18.48.

C. Mobile home parks which were legally established prior to July 1, 2008.

Ordinance No. O2008-009, Page 8 of 19

000035

- D. One single family detached dwelling per existing single lot of record.
- E. Parks, trails, open space areas, and other related recreation facilities.
- F. Support facilities.
- G. Family child care home, child mini-day care center, subject to review by the Development Services Director, the Building Official, and the Fire Chief.

18.49.030 Accessory Uses.

Accessory uses within the MHP zone district are as follows.

- A. Storage sheds, tool sheds, greenhouses.
- B. Private parking garages or carports.
- C. Home occupations, as approved by the Director of Development Services.
- D. Non-commercial recreational structures which could include but are not limited to swimming pools and recreational ball courts.
- E. Clubhouses and community centers associated with manufactured home parks.

18.49.040 Conditional Uses.

Conditional uses within the MHP zone district are as follows.

- A. Churches.
- B. Freestanding wireless communication facilities.
- C. Cemeteries.
- D. Child day care center.
- E. Public and/or private schools.
- F. Neighborhood community center.
- G. Neighborhood-oriented commercial center.
- H. The following essential public facilities.
 - 1. Emergency communications towers and antennae.
- I. Group foster homes.
- J. Agriculture.
- K. Bed and breakfasts.

18.49.050 Density regulations.

Density regulations in the MHP zone district are as follows.

- A. Site area. All residential developments (except for the use listed in 18.49.020(D)) must meet the following density requirements.
 - 1. Minimum. six dwelling units per acre.
 - 2. Maximum. nine dwelling units per acre, except that any density greater than eight dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC 18.57.
- B. Density calculation. The calculation of the density requirements in Section 18.49.050(A) above is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units, private community clubs, open space, stormwater detention, treatment and infiltration). The following land is excluded

from density calculations.

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by Tumwater Municipal Code Title 16 – Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that are designed for active and/or passive recreational purposes in accordance with the Drainage Design and Erosion Control Manual for Tumwater shall not be excluded from density calculations.

2. Land that is intended for future phases of development.

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to support facilities (except for stormwater detention, treatment and infiltration facilities).

C. Land coverage, maximum for all buildings, seventy percent of total area of the parcel.

D. Structure height, forty feet, maximum, provided that no structure shall penetrate imaginary airspace surfaces as defined by Title 14 of the Code of Federal Regulations, Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the Development Services Department.

E. Yards.*

1. Front, ten feet minimum from frontage property line.

a. Driveways in front yards on property lines abutting a public right of way must be a minimum of 18 feet in length as measured along the shortest edge of the driveway starting from the front property line.

2. Side, five feet from property line, minimum.

3. Rear, five feet from property line, minimum.

Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC 18.47.

F. Open space/park area. To the extent necessary to reasonably mitigate direct impacts, a minimum of ten percent of the gross site area shall be set aside as open space/park area meeting the following minimum standards.

1. For the purpose of calculation of the open space/park requirement, the open space/park area shall be separate and distinct from required yards, setbacks and landscaped areas, but may include areas of native vegetation that are allowed to fulfill the landscaping requirements of TMC 18.47. Open space/park areas may also include wetlands and their buffers, other critical areas, and stormwater facilities that are designed for active and/or passive recreation opportunities in accordance with the Drainage Design and Erosion Control Manual for Tumwater.

2. All open space/park areas must include any two or more facilities for active and/or passive recreation from the lists below. At least one of the required recreation facilities must be from the list of active recreation facilities (this area may include stormwater facilities that are designed for active and/or passive

recreation opportunities in accordance with the Drainage Design and Erosion Control Manual for Tumwater).

a. Active Recreation Facilities

1. Children's play equipment, such as slides, swings, and play structures.
2. A paved hard court for activities such as basketball, tennis, pickleball, etc.
3. A flat, open lawn area that may serve as a ball field for active play.
4. Other active recreation facility if approved by the Development Services Director upon consultation with the Tumwater Parks and Recreation Director.

b. Passive Recreation Facilities

1. Facilities for walking, such as trails, benches, etc.
2. Picnicking facilities, such as picnic tables, shelters, etc.
3. Public plazas.
4. Year-round water features such as a fountain, pond, stream, etc. These water features may be incorporated as part of a stormwater facility designed in accordance with the Drainage Design and Erosion Control Manual for Tumwater.
5. Other passive recreation facility if approved by the Development Services Director upon consultation with the Tumwater Parks and Recreation Director.

3. The open space/park area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance. The requirement that the open space/park area be consolidated may be waived by the Director of Development Services upon a finding that the residents of the development would receive a greater benefit if the required open space/park area were provided in another configuration due to the unique topographic conditions or fish and wildlife habitat values of the site.

4. The open space/park area shall be designed and placed in consideration of existing and potential open space/park areas on adjacent parcels to consolidate or provide future opportunities for consolidation of neighborhood open space areas.

5. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant vegetation shall be retained in open space/park areas unless an alternate landscaping plan for such areas is required or approved by the Development Services Director.

6. Cash, or like value of land area and improvements located within the appropriate neighborhood parks planning area, may be donated to the City to fulfill the requirements of this section. The amount of cash required will be determined using a formula based on the cost of meeting the adopted level of service for neighborhood parks in the Tumwater Parks and Recreation Plan.

7. Open space/park areas shall be held in single ownership where such

ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development area through a homeowners association or similar organization. The City as a condition of approval may choose to accept dedication, or the maintenance and operation responsibilities for the area, when the area to be dedicated is one or more of the following.

- a. Greater than 5 acres.
- b. Adjacent to an established or future City park or school grounds.
- c. Includes access to a body of water, wetland, important fish/wildlife habitat, or other environmentally sensitive area.
- d. If the City determines it is in the public interest to accept public dedication.

*See Section 18.04.670

18.49.070 Use Exception

1. A mobile/manufactured home park owner may request a use exception or modification from the application of the MHP zoning to their property as set forth below.

2. The property owner shall submit an application on forms prepared by the Development Services Department, with documentation demonstrating that application of the MHP zoning meets the criteria below.

3. The City Council may approve the property owner's request for a use exception if the property owner demonstrates.

a. they do not have reasonable use of their property under the MHP zoning; or

b. the uses authorized by the MHP zoning are not economically viable at the property's location.

If the request is granted by the City Council, the property shall revert to its previous zoning designation without further action by the Council.

4. In addition to the application, a relocation plan must be submitted detailing, at a minimum, the pertinent laws (City, County, or State), an explanation of tenants rights according to State law, a list of sources of assistance (governmental, financial, etc), available vacant spaces within the mobile/manufactured home park, a list of nearby parks with available spaces, and a list of companies that move manufactured or mobile homes.

5. Except as otherwise provided herein, the application shall be reviewed consistent with Title 14, and the Council's decision may be appealed Thurston County Superior Court.

Section 5. Section 18 56 100 of the Tumwater Municipal Code is hereby amended as follows

18 56.100 Churches.

A. Churches are permitted as a conditional use in the following zone districts R/SR, SFL, SFM, MFM, MFH, MHP, MU, TC, and CS

B The following are minimum conditions

1 Site must be on or within three hundred feet of an arterial or the intersection of two or more collectors,

2. Plans showing the site layout and the design of the buildings shall be submitted for approval to the hearings examiner. These plans shall demonstrate that the proposed development will be compatible with the appearance and character of the surrounding neighborhood, and that such development will not be unduly detrimental to surrounding property,

3 Twenty-five-foot setback on front, side, and rear yards, and any additions to an existing structure shall not encroach upon any required yard,

4 Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley or any lot in a residential zone,

5 Church-sponsored uses located apart from the main building, such as residences, schools, auditoriums, convents, preschool facilities, or other uses similar in nature, shall be considered separate uses and subject to the applicable provisions of this title,

6 Parking shall conform to Chapter 18 50 of this code (O2005-034, Amended, 01/17/2006, O2001-020, Amended, 05/07/2002, O98-009, Amended, 10/20/1998, O96-022, Amended, 12/17/1996, O95-035, Amended, 12/19/1995, 883, Added, 05/06/1984)

Section 6. Section 18 56 110 of the Tumwater Municipal Code is hereby amended as follows

18.56 110 Schools.

A. Public schools and private schools are permitted as a conditional use in the following zone districts R/SR, SFL, SFM, MFM, MFH, MHP, NC, MU, and GC

B Minimum conditions

1 Minimum land area standards as now established by the Office of the State Superintendent of Public Instruction,

2 Twenty-five-foot setback on front, side, and rear yards. No off-street parking or loading area will be allowed in any required yard area,

3 Parking shall conform to Chapter 18 50 of this code,

4 Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley or any lot in a residential zone (O98-009, Amended, 10/20/1998, O97-025, Amended, 12/02/1997, O96-022, Amended, 12/17/1996, O95-035, Amended, 12/19/1995, 883, New, 05/06/1984)

Section 7 Section 18 56 140 of the Tumwater Municipal Code is hereby amended as follows

18.56.140 Neighborhood community centers.

Ordinance No O2008-009, Page 13 of 19

000090

A. A neighborhood community center is permitted as a conditional use in the following zone districts R/SR, SFL, SFM, MFM, and MFH, and MHP

B Minimum conditions

1 The facility shall provide services of a social and cultural nature to the neighborhood in which is it located,

2 Front, side and rear yard setbacks of sufficient distance, as determined by the planning commission and city council, to provide noise and light separation from adjacent residential uses,

3 Landscaping and screen planting in required yard areas of types, quantity and location, as prescribed by the hearing examiner, sufficient to provide noise and light separation from adjacent residential uses,

4 Off-street parking of one space per each employee, plus additional space as determined by the hearing examiner, such off-street parking to be screened by landscaping from adjacent properties, and not located in any required yard area,

5 Limitation on the hours of operation so as not to interfere with the residential character of the neighborhood,

6 No use of sound amplification or lighting equipment that would be audible or visible from adjacent properties

7 The use must meet applicable design review guidelines in

Section 18 43 060

(O99-001, Amended, 04/20/1999, O98-009, Amended, 10/20/1998, 883, Added, 05/06/1984)

Section 8. Section 18 56 155 of the Tumwater Municipal Code is hereby amended as follows

18.56.155 Agriculture.

A. Agriculture is permitted as a conditional use in the following zone districts SFL, SFM, and MHP

B Minimum Conditions

1 All agricultural production shall be for personal and/or small-scale commercial purposes only

2 Covered structures directly related to the housing, care and keeping of livestock shall not be located within fifty feet of any property line

3 Any on-site sales of products shall not generate excessive vehicular traffic beyond that normal to the district in which it is located, and shall be limited to a total of eight weeks total in any calendar year

4 The use of heavy mechanical equipment or machines which emit excessive dust, noxious odors, fumes, pollutant discharges or chemical sprays beyond the limits of the subject property shall not be permitted.

(O96-022, Added, 12/17/1996)

Section 9. Section 18 56 160 of the Tumwater Municipal Code is hereby amended as follows

18.56.160 Neighborhood-oriented commercial centers.

A. Neighborhood-oriented commercial centers are permitted as a conditional use in the following zone districts SFL, SFM, MFM, MFH and MHP

B Minimum Conditions

1 Neighborhood-oriented commercial centers are recognized as a desirable use of land in predominantly residential areas, and are allowed in the residential zoning districts listed in section "A" under the provisions of this section.

2 A site for a neighborhood-oriented commercial center shall not be located within a distance of one-half of a mile (2,640 feet) from any other retail commercial use, commercial zoning district, or neighborhood-oriented commercial center, and must be on or entirely within three hundred feet of a minor arterial or urban collector

3 Business within the neighborhood commercial center shall be limited to retail and service uses oriented to serve the residents of the immediate neighborhood Examples of these uses are provided as follows

a Grocery store under 2,000 square feet gross floor area

b Bookstore

c Bakery

d. Newsstand

e Video rental

f. Repair of personal apparel and equipment

g Laundry and dry cleaners

h. Restaurant

i. Coffee specialty store

4 In no event shall the gross floor area of a neighborhood oriented retail or service use exceed two thousand square feet

5 Residential uses are permitted as an accessory use to the primary use

6 Building Coverage and Open Space No more than 85% of the square footage of the site may be covered by buildings and parking At least 15% of the square footage of the site must be landscaped. Landscaped setbacks may be used to meet this requirement

7 The number of separate uses permitted on a single neighborhood-oriented commercial center, whether on a single lot or contiguous lots, shall be limited to three (3)

8 Parking shall conform to Chapter 18 50 of this code, and be located to the rear of the front yard setback line Off-street parking and loading facilities shall be so located and screened that they are not visible from the first story window level of contiguous residential properties

9 Lighting shall be shielded so as not to produce glare or negatively impact off-site uses or traffic on adjacent streets

10 All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities

Hours of operation shall be limited to the hours between seven a m and eight p m
Pedestrian access

a. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained.

b Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the Development Services Director Striping may be permitted only in conjunction with at least one of the preceding methods

c. To discourage parking in front yards and encourage parking on side and rear yards, no more than 25% of the distance from property line to property line on that portion of a parcel facing a dedicated public street or highway may be consumed by surface parking

11 The use must meet applicable design review guidelines in Section 18 43 060
(O99-001, Amended, 04/20/1999, O98-009, Amended, 10/20/1998, O97-025, Amended, 12/02/1997, O96-022, Amended, 12/17/1996, O95-035, Amended, 12/19/1995, 883, Added, 05/06/1984)

Section 10. Section 18 56 180 of the Tumwater Municipal Code is hereby amended as follows

18.56.180 Cemeteries.

A. Cemeteries are permitted as a conditional use in following zone districts R/SR, SFL, SFM, MFM, MFH, MHP, NC, LI and HI zones, except as permitted outright.

B Minimum conditions

1 Site must be on or within three hundred feet of a major or secondary arterial,

2 A forty-foot setback on front, side, and rear yards,

3 Screening shall be provided along each property line and shall consist of a continuous fence, wall, evergreen hedge, landscape planting, or combination thereof, so as to effectively screen the property from immediate adjoining properties and public right-of-way In cases where physical characteristics of the property make actual screening from adjoining parcels impossible or unreasonable, this requirement may be completely or partially waived by the

Ordinance No O2008-009, Page 16 of 19

000093

hearings examiner All shrubs, trees, fencing, etc., used in the landscaping and screening, shall be maintained in a healthy growing condition. Dead or dying plants shall be replaced as soon as possible Planting areas shall be maintained reasonably free of weeds and trash. All landscaping planting materials shall not impair pedestrian or vehicular safety,

4 Off-street parking of one space per each employee Other cemetery related uses, such as mausoleums, crematoria, funeral homes, or other uses similar in nature, shall be considered separate uses and subject to the applicable provisions of this title No off-street parking or loading areas shall be allowed in any required yard areas,

5 Limitation on the hours of operation so as not to interfere with residential character of the neighborhood,

6 No use of sound amplification or lighting equipment that would be audible or visible from adjacent property
(883, Added, 5/6/1984)

Section 11. Section 18 56 225 of the Tumwater Municipal Code is hereby amended as follows

18 56.225 Group foster home

A. Group foster homes are permitted as conditional uses in the following zone districts RSR, SFL, SFM, MFM, MFH, MHP, and NC

B Minimum conditions

1 The site must be landscaped in a manner compatible with the residential character of the surrounding neighborhood,

2 No structural or decorative alteration which will alter the residential character of an existing residential structure used for a group foster home is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood,

3 Comply with all building, fire safety, health code and business licensing requirements,

4. Lot size, setbacks and lot coverage conform to those applicable to the zoning district

5 The use must meet applicable design review guidelines in Section 18 43 060

(O99-001, Amended, 04/20/1999, O96-022, Added, 12/17/1996)

Section 12. Section 18 56 230 of the Tumwater Municipal Code is hereby amended as follows

18.56.230 Child day care center.

A. Child day care centers, as defined in Chapter 18 52, are permitted as a conditional use in the following zone districts RSR, SFL, SFM, MFM, MFH, MHP, and HI

- B Minimum Conditions
- 1 Meet Washington State child day care licensing requirements,
 - 2 Comply with all building, fire safety, health code and business licensing requirements,
 - 3 Lot size, setbacks and lot coverage conform to those applicable to the zoning district,
 - 4 Signage, if any, will conform to the requirements for the applicable zoning district,
 - 5 Issuance of a valid child day care business license from the City as provided for in Section 18 52 040 of this title
 - 6 Parking requirements shall conform to Section 18 50 of this code,
 - 7 A fence at least four feet high must be installed around the play yards and shall conform to Section 18 46 of this title
 - 8 The site must be landscaped in a manner compatible with the residential character of the surrounding neighborhood,
 - 9 No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child care center is permitted Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood
 - 10 The use must meet applicable design review guidelines in Section 18 43 060 (O99-001, Amended, 04/20/1999, O97-025, Amended, 12/02/1997, O96-022, Amended, 12/17/1996, O95-035, Amended, 12/19/1995, 1288, Added, 06/04/1991)

Section 13. Section 18 56 310 of the Tumwater Municipal Code is hereby amended as follows

18.56.310 Bed and breakfasts.

A. Bed and breakfasts are permitted as a conditional use in the following zone districts SFL, SFM, and MHP

B Minimum Conditions

- 1 The bed and breakfast shall have no more than four guest rooms
- 2 No cooking facilities shall be provided in the guest rooms
- 3 Guest rooms shall not be rented for stays of more than two weeks at a time (O2001-012, Added, 03/19/2002)

Section 14. Application. The Manufactured Home Park (MHP) zone district, as described in TMC 18 49 shall apply only to those properties with existing mobile/manufactured home parks identified in attached Exhibit "A" and any additional mobile/manufactured home parks which may be permitted by existing approvals or by new approvals obtained under the Tumwater Municipal

Ordinance No O2008-009, Page 18 of 19

000005

Code The existing mobile/manufactured home parks Exhibit A identifies are hereby rezoned to MHP

Except as otherwise provided by this ordinance, the MHP zoning classification limits development to manufactured home parks and those uses listed in TMC 18 49 unless and until either a comprehensive plan amendment and/or rezone for another type of land use is requested, considered, and adopted by the Tumwater City Council.

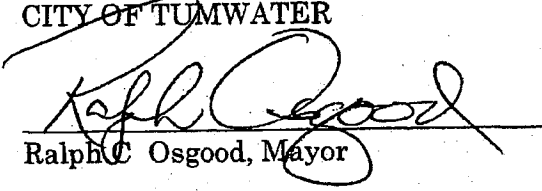
Section 15. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 16. Severability The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

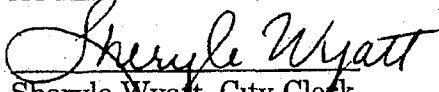
Section 17. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this 17th day of February, 2009

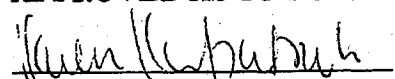
CITY OF TUMWATER


Ralph C Osgood, Mayor

ATTEST


Sheryle Wyatt, City Clerk

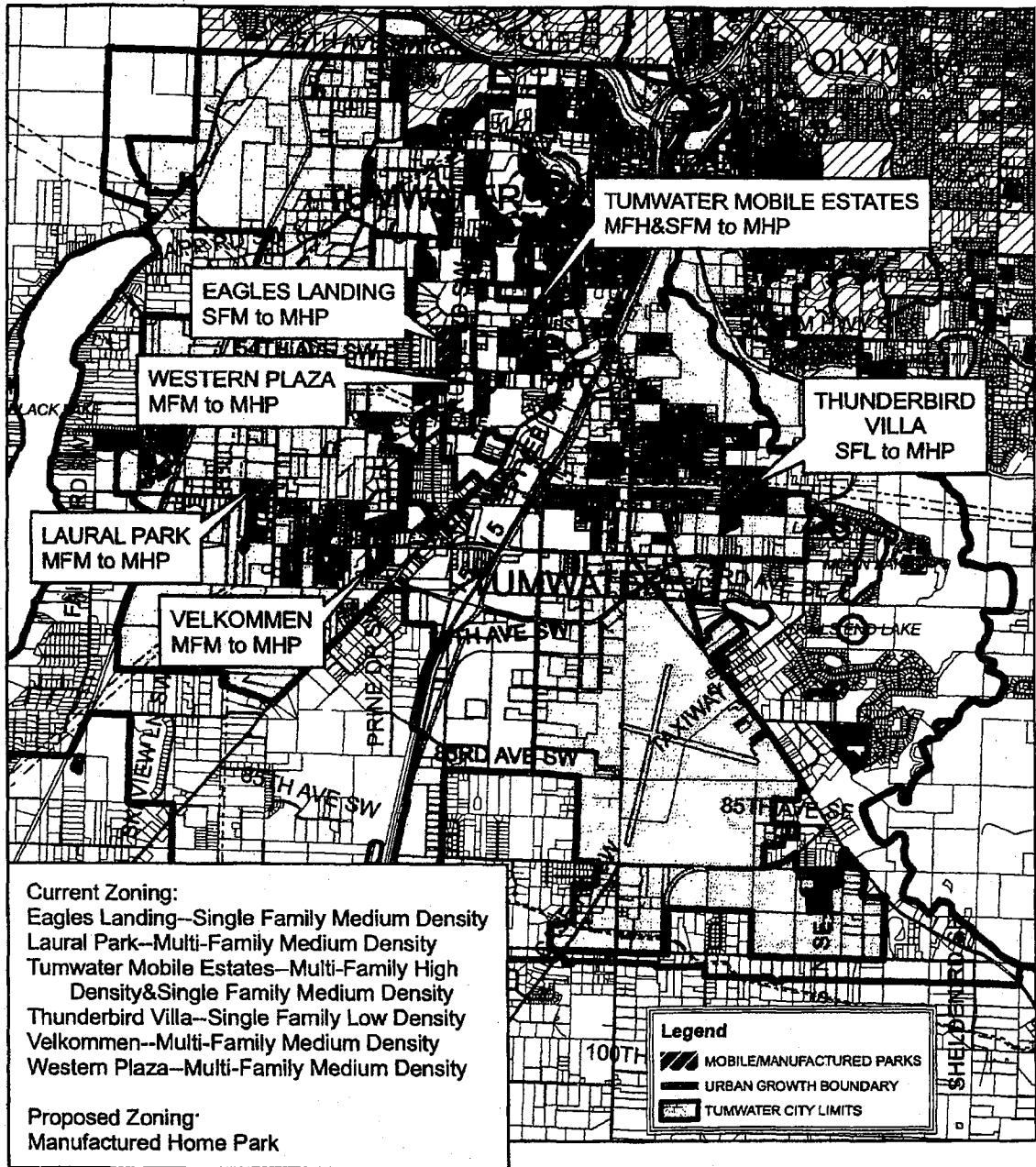
APPROVED AS TO FORM


Karen Kirkpatrick, City Attorney

Published. 2-20-09

Effective Date 3-23-09

EXHIBIT "A" MOBILE&MANUFACTURED HOME PARKS IN TUMWATER CURRENT AND PROPOSED ZONING



000097